

REMARKS

Applicants thank the Examiner for his diligent review of the present application. Please reconsider the application in view of the above amendments and the following remarks.

Information Disclosure Statement

Applicants thank the Examiner for pointing out that the information disclosure statement filed on October 23, 2006 appears to be non-compliant with 37 CFR 1.98(a)(3), which requires a concise statement of relevance when the reference is not in English.

Upon review, Applicants have identified four Japanese language references in the information disclosure statement that still lacking English translations: JP47042226Y1, JP63132051, JP62251327, and JP441589. An English abstract for each of the four Japanese references are furnished herewith. Reconsideration of the information disclosure statement is respectfully requested.

Dispositions of the claims

Claims 1 – 16 were previously pending in the present application. Claim 2 – 6 and 11 – 15 have been canceled in this instant Reply.

Claims 1, 7 – 10 and 16 have been amended. Claim 17 is newly added.

Claim 1 is the sole independent claim; the remaining claims depend, directly or indirectly, therefrom.

Accordingly, claims 1, 7 – 10, 16, and 17 are currently pending.

Amendments to the claims

Independent claim 1 has been amended to incorporate the further limitations of claim 6. Support for this amendment can be found, for example, in the original claim 6 and on page 1, line 52 of the originally filed specification.

Claim 1 has have also been amended to clarify that normal temperature is room temperature. Support for this amendment can be found, for example, on page 1, lines 23 – 26.

Claims 2 – 6 and 11 – 15 have been canceled. Accordingly, Claims 7 – 10 and 16 have also been amended to maintain appropriate dependencies necessitated by the canceled claims.

Claim 10 is also amended to correct minor grammatical errors.

Claim 17 is newly added to further limit claim 1 to the type of resin. Support for this claim can be found, for example, on page 4, lines 5 – 16 of the originally filed specification.

Applicants submit that no new matter has been introduced in the above amendments.

Claim objections

Claims 2 and 10 are objected by the instant Office Action for failing to further limit the subject matter of the previous claims as required by 37 CFR 1.75(c).

Applicants note that claim 2 has been canceled in this Reply, hence, the objection with respect to claim 2 is now moot.

With regard to claim 10, the claim recites a display strip according to claim 1 wherein the bag comprises at least a sealant layer and a substrate layer. The Examiner asserted that the claim attempts to provide structural limitations to an article (a bag) usable with the present invention (a display strip) and alleged that

because a bag with sealant layer and substrate layer would already be bondable to the display strip, therefore, claim 10 is not considered to impose any additional limitations on the display strip. Applicants respectfully disagree.

Although claim 1 of the present application recites that the display strip is intended for attaching the product-enclosed bags, the bags are not particularly limited in the claims. This implies that the bags can be one with or without sealants. Thus, claim 1 encompasses embodiments of display strips that are adapted to work with both bags having sealants and bags having no sealants. In contrast, claim 10 limits the bags to have sealants. Accordingly, in claim 10, the display strip only reads on those embodiments that are adapted to work with such bags. Therefore, claim 10, as amended, is in compliance with the requirements of 37 CFR 1.75(c).

In view of the above, withdrawal of this objection is respectfully requested.

Rejections under 35 USC §112 2nd paragraph

Claims 1 and 10

Claims 1 and 10 are rejected under 35 USC §112 2nd paragraph as being indefinite. In this rejection, the Examiner asserted that it was unclear what limitation was set forth by the phrase “being bondable to the bag again owing to exposure of a pressure sensitive adhesive face in the case of peeling of the bag bonded by the thermocompression bonding.” The Examiner further alleged that it was also unclear whether Applicants intended to claim a bag or the combination of a bag and a display strip together. The Examiner additionally pointed out that “the display” in line 2 lack antecedent basis.

In response to this rejection, Applicants have amended claim 1 to further clarify that the claim is directed to the “display strip” only. Claim 1, as amended,

no longer recites the phrase “being bondable to the bag...”, therefore, the Examiner’s objection with regard to this phrase has been rendered moot. Applicants have also corrected the antecedent basis problem on line 2 by changing the definite article “the” to the indefinite article “a” in front of the word “display”.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 10 - 15

Claims 10 – 15 are also rejected under 35 USC §112 2nd paragraph as being indefinite.

Applicants note that claims 11 – 15 have been canceled in this instant Reply, therefore, this rejection as applied to claims 11 – 15 have been rendered moot.

With regard to claim 10, the Examiner asserted that the limitations “sealant layer” and “substrate layer” used to further limit the bag are already defined in claim 1 as belong to the display strip. Therefore, for the purpose of examination, the Examiner interpreted the “sealant” and “substrate” to mean the same as in claim 1 (i.e. “sealant” and “substrate” of the display strip).

In response, Applicants wish to clarify that the “sealant” and “substrate” are those of the bags, not the display strips. They are not to be confused with the “sealant” and “substrate” of the display strip in claim 1, which are elements of the display strip. To draw this distinction, Applicants have changed the definite article “the” to the indefinite article “a” in front of the words “sealant” and “substrate”. However, it should also be noted that although claim 10 recites further limitations of the bag, the subject matter of the claim, as a whole, is still drawn to a display strip.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 3 and 6

Claims 3 and 6 are also rejected as being indefinite. Applicants note that both claims 3 and 6 have been canceled in this instant Reply, thus, this rejection is moot.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 USC §102(b)

Claims 1, 2, 9 – 11, 13, 14 and 15

Claims 1, 2, 9 – 11, 13, 14 and 15 are rejected under 35 USC §102(b) as being anticipated by Super et al. (US 5,209,972). Applicants note that independent claim 1 has been amended in this Reply. Dependent claims 2, 11 and 13 – 15 have been canceled, thus, this rejection has been rendered moot with respect to the canceled claims. To the extent that this rejection may still apply to the pending claims, Applicants respectfully traverse.

Claim 1, as amended recites:

A display strip for arranging and attaching a plurality of product-enclosed bags for a display, the display strip having a predetermined length and width, and having a hole close to one end thereof,

which comprises at least a substrate layer and a sealant layer, wherein the sealant layer has a layered structure of two or more layers and at least the outermost layer is a heat seal layer containing a thermofusible resin having no pressure sensitive adhesive property at room temperature and an inner side layer of the heat seal layer is a pressure sensitive adhesive layer having the pressure sensitive adhesive property at room temperature.

Thus, claim 1, as amended, recites a display strip comprising a substrate layer and a sealant layer in which the sealant layer has a multi-layer structure. The outermost layer of the sealant layer is a heat seal layer containing a

thermofusible resin exhibiting no pressure sensitive property at room temperature. On the inner side of the heat seal layer (i.e. between the heat seal layer and the substrate layer), there is a pressure sensitive adhesive layer that is active at room temperature. As Applicants explained in the specification, this multi-layer sealant has the advantage of enabling the process of automated attachment of product-enclosed bags onto the display strip while providing the additional benefit of allowing re-attachment of the bags after production. For example, during automated mass production, only the outermost layer of the sealant on the display strip is exposed. This layer is a heat seal layer having no pressure sensitive adhesive property at room temperature. Thus, bags are only attached to the strip when heat is applied. Prior to being heat sealed, bags can be moved around on the strip without being bonded to the sealant layer. This property enables the production process the flexibility of attaching the bags only when the bags are properly aligned and ready to be attached. After the bags are heat sealed to the display strip, detachment of the bags will reveal the inner pressure sensitive adhesive layer of the sealant. In this way, the bags can be easily reattached by pressing the bags against the pressure sensitive adhesive layer on the display strip. This property allows a customer to detach the bags from the display strip for viewing at the point of sale and then reattaching the bags back on the strip by applying pressure at the seal (page 9, line 23 – page 10, line 9).

In contrast, Super only teaches a multi-layered packing film in which one of the layers is made of polyethylene terephthalate (PET). Super does not teach or suggest any intermediate layer that is a pressure sensitive adhesive. Referring to Figure 1 of Super, layer 12 is a heat sealable layer, layer 14 is a polymeric adhesive layer, and layer 16 is polyethylene terephthalate. Super discloses that the adhesive layer is a modified polyolefin or olefin copolymer, and preferably a modified

ethylene copolymer (col. 3, ll. 55 – 56 and 67 – 68). Super further teaches that the composition of the sealant layer is of critical importance to its invention and must be able to survive intact and with good bond strength the coextrusion and orienting process (col. 6, ll. 40 – 42). Super went on to state that “because of the difficulty of finding an adhesive polymer whose adhesion to PET will survive both the orienting and coextrusion process,...[they] have so far found three adhesive polymers which satisfy this requirement: CXAE-136, CXA-3101 by DuPont and LF-500 by Mitsui Company” (col. 6, ll. 47 – 52). None of these adhesive polymers is pressure sensitive adhesive.

In view of the above, Applicants submit that Super fails to teach or suggest each and every limitations of claim 1. Therefore, claim 1 is patentable over Super at least for the reasons stated above. By the same token, the dependent claims 9 and 10 are also patentable over Super for at least the same reasons.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 USC §103(a)

Claim 8

Claim 8 is rejected as being obvious in view of Super. Applicants note that claim 8 multiply depends from claims 1 and 7. Claim 7, in turn, also depends from independent claim 1.

As explained above, Super fails to teach any inner pressure sensitive adhesive layer required in claim 1. The question of whether Super can render claim 1 obvious rests on whether those skilled in the art, at the time of the invention, would have any motivation or suggestion to modify Super's film to incorporate an inner pressure sensitive adhesive layer. To address this question, Applicants respectfully call the Examiner's attention to the fact that Super's film is for the

purpose of manufacturing air impermeable food packing bags. As such, Super specifically teaches that any intervening adhesive layers of its film must be able to withstand the orientation and coextrusion process. In view of this specific teaching, those skilled in the art would have recognized that pressure sensitive adhesives are generally not suitable for use in Super's film since they typically cannot survive the orientation and coextrusion process. Moreover, the fact that Super specifically teaches only three adhesives have been found to be suitable (col. 6, ll. 47 – 52), none of which is a pressure sensitive adhesive, would have provided further disincentive to try any other adhesives, much less pressure sensitive adhesives which are very dissimilar from the three taught by Super, as there would have been no reasonable expectation of success.

MPEP 2143.02 clearly states that reasonable expectation of success is required in order to draw the conclusion that a claim would have been obvious to those skilled in the art at the time of the invention. Since there would have been no reasonable expectation of success to use a pressure sensitive adhesive in the film of Super, Super cannot render claim 1 obvious.

In view of the above, Applicants submit that Super cannot render claim 1 at least for the reasons stated above.

The Examiner's rejection of claim 8 based on Super is moot since Super cannot render the parent claim obvious.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 3, 6, and 7

Claims 3, 6, 7 are rejected under 35 USC §103(a) as being obvious in view of Super and Dowbenko (US 3,897,285).

Applicants note that claims 3 and 6 have both been canceled in this instant Reply, thus, this rejection as applied to claims 3 and 6 has been rendered moot.

Applicants further note that claim 7 depends from claim 1. As explained above, Super cannot render claim 1 obvious at least because it does not teach or suggest any pressure sensitive adhesive layer.

Dowbenko teaches a pressure-sensitive adhesive having improved adhesive properties useful as binding resins in laminates, coatings on substrates, and as film adhesives.

As explained above, there are stringent requirements for the adhesive layer in Super's film. Dowbenko is primarily concerned with methods for producing pressure-sensitive adhesives. It does not teach or suggest that its adhesives are usable in binding PET or even capable of surviving the orientation and extrusion process. Absent such teaching, there would have been no motivation or reasonable expectation of success for those skilled in the art to use Dowbenko's pressure sensitive adhesive in Super's film. In fact, given that Dowbenko was published in 1975, it would have been known to Super (filed 1988), yet, Super specifically teaches that only three suitable adhesives had been found. Based on the teachings of Super and general knowledge in the art at the time of the invention, it would have been most logical for those skilled in the art to conclude that Dowbenko is not combinable with Super in the manner proposed by the Examiner.

In view of the above, Applicants submit that claim 1 is patentable over the combination Super and Dowbenko. For at least the same reasons, dependent claim 7 is also patentable over Super and Dowbenko.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 4 and 5

Claims 4 and 5 are rejected under 35 USC §103(a) as being obvious in view of Super and Hume (4,427,744). Applicants note that claims 4 and 5 have both been canceled, thus, this rejection has been rendered moot.

Accordingly, withdrawal of this rejection is respectfully requested.

Claim 12

Claim 12 is rejected as being obvious in view of Super and Robinson (US 3,241,662).

Applicants note that claim 12 is canceled in this instant Reply, therefore, this rejection has been rendered moot.

Accordingly withdrawal of this rejection is respectfully requested.

Claim 16

Claim 16 is rejected as being obvious in view of Gur (US 5,433,060) and Super. Applicants note that claim 16 multiply depend from claims 1, 2 and 3. Claim 1 has been amended in this instant Reply. To the extent that this rejection may still apply, Applicants respectfully traverse.

Claim 16 is directed to a display strip and product assembly obtained by heat sealing a product-enclosed bag to a display strip according to claim 1.

Gur teaches a method for automatically attaching flexible bags to a display strip. However, Gur does not teach or suggest any display strip having a multilayered sealant layer according to claim 1.

As explained above, Super does not teach or suggest any display strip according to claim 1, thus, Super still cannot remedy the defect of Gur.

In view of the above, Applicants submit that Claim 16 is patentable over the combination of Gur and Super.

Accordingly, withdrawal of this rejection is respectfully requested.

Patentability of claim 17

Newly added claim 17 depends directly from claim 1. Therefore, for at least the same reasons explained above, claim 17 is patentable over the prior art references cited in this instant Office Action.

Double Patenting

Claims 1, 2, and 10 are rejected on the grounds of non-statutory obviousness type double patenting as being unpatentable over claim 22 of 11/565,595 (the '595 application). Applicants respectfully disagree.

First, Applicants note that claim 2 has been canceled in this Reply, hence, this rejection with respect to claim 2 has been rendered moot.

Claim 22 of the '595 application is directed to a combination of a display strip and a plurality of product-enclosed bags, comprising the plurality of the product-enclosed bags and the display strip. The claim further requires that the outer surface of the bag comprises a sealant layer (B) and the display strip comprises a sealant layer (A) having a cohesive failure type film. The sealant layer (A) is bonded to the outer surface of the bag by heat sealing. When the bag is peeled off the display strip, sealant (A) is broken without damaging the bag.

The Examiner asserted that the difference between claim 22 of the '595 application and claims 1 and 10 of the present application is that claim 22 does not claim the sealant layer is rebondable at the bag after the bag is peeled off the display strip. The Examiner further alleged that it would have been obvious to those skilled in the art to re-attach the bag onto the display strip at locations where there's an exposed sealant layer.

Applicants respectfully submit that claim 1 has been amended in this instant Reply to require a multi-layer sealant on the display strip wherein the sealant has an inner layer comprised of pressure sensitive adhesive. Claim 22 of the '595 application does not have this feature. Moreover, the specification of the '595 application merely discloses a sealant layer having a cohesion failure component such as a styrene polymer, it does not teach or suggest any multi-layered sealant having an inner pressure sensitive adhesive layer. Claim 10 further requires the display strip to be one that is workable with a bag having a sealant layer and a substrate layer. Thus, the display strip of the present invention is patentably distinct from the display strip of the '595 application, each operating under quite different principles.

In view of the above, Applicants submit that claims 1 and 10 of the present invention are distinctly patentable over claim 22 of the '595 application.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1 and 2 are further rejected on the grounds of non-statutory obviousness type double patenting as being unpatentable over claim 1 of 11/259,416 (the '416 application); claims 1 – 4 of 7,147,913 (the '913 application); claim 1 of 7,476,441 (the '441 patent); and claim 1 of 7,160,595 (the '595 patent).

Applicants note that claim 2 has been canceled, hence, all rejections are moot with respect to claim 2.

With regard to claim 1 of the '416, the claim recites:

A display strip for holding and displaying a plurality of product-enclosed bags, comprising at least a substrate layer and an adhesive layer, said adhesive layer has a layer structure of two or more layers comprising a heat-sealable polymer layer which composes the outmost

layer of the display strip and a pressure sensitive adhesive layer which composes the inner layer of said heat-sealable polymer layer, said heat-sealable polymer layer includes a hot melt resin which has substantially no adhesion at a normal temperature and is bondable to said bags, said pressure sensitive adhesive layer comprises adhesives which have adhesion at a normal temperature and said heat-sealable polymer layer has a weakness line at least in the vicinity of portions at which said product-enclosed bags are heat bonded.

In response, Applicants are providing a terminal disclaimer herewith. Withdrawal of the double patenting rejection based on claim 1 of the '416 is hereby respectfully requested.

With regard to claims 1 – 4 of the '913, applicants note that the '913 patent only teaches a display strip having a sealant layer containing an ethylene-vinyl acetate copolymer and an adhesive promoting tackifier. The '913 does not teach or suggest a multi-layer structure in which an inner layer is a pressure sensitive adhesive or that the pressure sensitive adhesive is a heat activated pressure sensitive adhesive. Therefore, claim 1 of the present invention is patentably distinct from claims 1 – 4 of the '913.

Accordingly, withdrawal of this rejection is respectfully requested.

With regard to claim 1 of the '441 patent, the claim recites a display strip comprising a sealant layer containing an ethylene-vinyl acetate copolymer. The specification of the '441 does not teach or suggest any layered sealant having an inner pressure sensitive adhesive layer or that the pressure sensitive layer is heat activated. Therefore, claim 1 of the present invention is patentably distinct from claim 1 of the '441.

Accordingly, withdrawal of this rejection is respectfully requested.

With regard to claim 1 of the '595 patent, the claim is directed to a combination of a display strip and a plurality of product-enclosed bags. The display strip has a sealant layer that contains an easy-peelable resin composition comprising an adhesive component and a component for cohesion failure, said components being present in single layer as a mixture. In contrast, claim 1 of the present invention requires a multi-layered sealant having an inner pressure sensitive adhesive layer. Therefore, claim 1 of the present invention is patentably distinct from claim 1 of the '595 patent.

Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

Appl. No. 10/537,447
Amdt. Dated June 5, 2009
Reply to Office Action of February 5, 2009

Attorney Docket No. 89285.0007
Customer No.: 26021

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: June 5, 2009

By: /ob/
Olga Berson, PhD
Registration No. 55,001
Attorney for Applicant(s)
Matthew C. Lee, PhD
Registration Nol. 58,189
Patent Agent for Applicant(s)

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Phone: 310-785-4600
Fax: 310-785-4601